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Security Council

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Resolution 1906 (2009)

Adopted by the Security Council at its 6253rd meeting, on 23 December 2009

The Security Council,

Recalling its previous resolutions, in particular resolution 1896 (2009), 1856 (2008), 1843 (2008), and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law, and *stressing* the importance of urgently undertaking comprehensive and lasting security sector reform and of permanently disarming, demobilizing, resettling or repatriating, as appropriate, and reintegrating Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and of the contribution made by international partners in this field,

Calling on all parties to armed conflict in the Great Lakes region to comply with the obligations applicable to them under international humanitarian law to take all required steps to protect civilians and to facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel,

Encouraging the countries of the Great Lakes region to maintain a high level of commitment to jointly promote peace and stability in the region and *welcoming* the recent improvements in the relations between the Governments of the Democratic Republic of the Congo and Rwanda, Uganda and Burundi,

Stressing that the Goma and Nairobi processes as well as the 23 March 2009 Agreements are the appropriate framework for stabilising the situation in the eastern part of the Democratic Republic of the Congo, and *urging* all parties to fully abide by and implement these agreements,

Deeply concerned that some militias and armed groups in the eastern part of the Democratic Republic of the Congo have not yet laid down their arms and continue to prey on the population,

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Expressing its extreme concern at the deteriorating humanitarian and human rights situation and the continued impunity of those responsible for human rights abuses and other atrocities, *condemning* in particular the targeted attacks against the civilian population, widespread sexual violence, recruitment and use of child soldiers and extrajudicial executions, *stressing* the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other relevant actors, to end violations of human rights and international humanitarian law, and to bring the perpetrators to justice, and *calling on* Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims,

Calling upon all parties concerned to create the conditions conducive to a voluntary, safe, dignified and sustainable return of refugees and internally displaced persons,

Welcoming the commitments made by the Government of the Democratic Republic of the Congo to hold accountable those responsible for atrocities in the country, *noting* the cooperation of the Government of the Democratic Republic of the Congo with the International Criminal Court, and *stressing* the importance of actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts, and its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict, and *recalling* the conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of the Democratic Republic of the Congo (S/AC.51/2009/3),

Emphasizing that the linkage between the illicit exploitation and trade of natural resources and the proliferation and trafficking of arms is one of the major factors fuelling and exacerbating conflicts in the Great Lakes region, particularly in the Democratic Republic of the Congo, *urging* all States, particularly those in the region, to implement fully the measures set out by its resolution 1896 (2009), and *reiterating* its determination to continue to closely monitor the implementation and compliance with the measures set out by the resolution 1896 (2009),

Underscoring the long-term, sustainable efforts needed from the Government of the Democratic Republic of the Congo to provide a calendar for local, general and presidential elections, with full respect for the provisions of the Constitution, to consolidate democracy and promote the rule of law, democratic governance, recovery and development, with the support of its international partners,

Expressing its full support for MONUC, *condemning* all attacks against United Nations peacekeepers and humanitarian personnel, regardless of their perpetrators, and *emphasizing* that those responsible for such attacks must be brought to justice,

Taking note of the 30th regular report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, dated 4 December 2009 (S/2009/623), and of its recommendations,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the deployment of MONUC until 31 May 2010, with the intention to extend it further at that date for twelve months, *authorizes* the continuation until that date of up to 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 personnel of formed police units, and *stresses* its intention to consider in the subsequent resolution assessing and adjusting the mandate and to remain strongly committed to contributing to the long-term stability of the Democratic Republic of the Congo;

2. *Requests* the Secretary-General to conduct a strategic review of the situation in the Democratic Republic of the Congo and MONUC's progress toward achieving its mandate, taking into account the Integrated Strategic Framework for the United Nations presence in the country, to further develop the existing benchmarks for this purpose, and to determine, in close cooperation with the Government of the Democratic Republic of the Congo and MONUC troop- and police-contributing countries, the modalities of a reconfiguration of the mandate of MONUC, in particular the critical tasks that need to be accomplished before MONUC can envisage its drawdown without triggering a relapse into instability, and to report to the Security Council with recommendations by 1 April 2010;

3. *Urges* the Government of the Democratic Republic of the Congo to establish sustainable peace in the eastern part of the country, to effectively protect the civilian population, to develop sustainable security sector institutions which fully respect the rule of law, and to ensure respect for human rights and the fight against impunity by strengthening the capacity of the judicial and correctional systems;

4. *Recognizes* the interrelated nature of the effective protection of civilians, reduction and removal of the threat of armed groups, and comprehensive and sustainable security sector reform, and *underlines* that efforts made in each of these key areas contributes significantly and with complementarity both to the aim of improving the humanitarian situation and to the strategic objective of peace and stability in the Democratic Republic of the Congo;

5. *Decides* that, from the adoption of this resolution, MONUC, working in close cooperation with the Government of the Democratic Republic of the Congo, shall have the following mandate, in order of priority:

(a) Ensure the effective protection of civilians, humanitarian personnel and United Nations personnel and facilities, in accordance with paragraph 3 (a) to (e) and 4 (c) of resolution 1856 (2008) and paragraphs 7 to 18 below;

(b) Carry out enhanced activities of disarmament, demobilization and reintegration (DDR) of Congolese armed groups and of disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) of foreign armed groups, including as set out in paragraphs 19 to 28 below and paragraphs 3 (n) to 3 (p) of resolution 1856 (2008);

(c) Support the security sector reform led by the Government of the Democratic Republic of the Congo, including as set out in paragraphs 29 to 38 below;

6. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks of its mandate listed in paragraph 3 (a) to (e) of resolution 1856 (2008) and paragraphs 9, 20, 21 and 24 below;

Protection of civilians, including humanitarian personnel and human rights defenders, and United Nations personnel and facilities

7. *Emphasizes* that the protection of civilians, as described in paragraph 5 (a), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraph 5 (b) and (c);

8. *Recalls* that the protection of civilians requires a coordinated response from all relevant mission components and *encourages* MONUC to enhance interaction, under the authority of the Special Representative of the Secretary-General, between its civil and military components at all levels and humanitarian actors, in order to consolidate expertise on the protection of civilians;

9. *Requests* MONUC to build on best practices and extend successful protection measures on protection piloted in North Kivu, in particular the establishment of Joint Protection Teams, Early Warning Centres, communications liaisons with local villages and other measures, to other areas, particularly South Kivu;

10. *Demands* that all armed groups, in particular the Forces Démocratiques de Libération du Rwanda (FDLR) and the Lord's Resistance Army (LRA), immediately cease all forms of violence and human rights abuse against the civilian population in the Democratic Republic of the Congo, in particular gender-based violence, including rape and other forms of sexual abuse;

11. *Demands* that the Government of the Democratic Republic of the Congo, in furtherance of resolution 1888 (2009), immediately take appropriate measures to protect civilians, including women and children, from violations of international humanitarian law and human rights abuses, including all forms of sexual violence; *urges* the Government of the Democratic Republic of the Congo to ensure the full implementation of its "zero-tolerance policy" with respect to discipline and human rights violations, including sexual and gender-based violence, committed by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC) and *further urges* that all reports of such violations be thoroughly investigated, with the support of MONUC, and that all those responsible be brought to justice through a robust and independent process;

12. *Requests* the Secretary-General to continue to fully investigate the allegations of sexual exploitation and abuse by civilian and military personnel of MONUC, and to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13);

13. *Requests* the Secretary-General to ensure that technical support is provided, in predeployment and in theatre, to MONUC's troop- and police-contributing countries to include guidance and training for military and police personnel on the protection of civilians from imminent threat and appropriate responses, including on human rights, sexual violence and gender issues;

14. *Encourages* MONUC to enhance its interaction with the civilian population to raise awareness and understanding about its mandate and activities and to collect reliable information on violations of international humanitarian law and human rights abuses perpetrated against civilians;

15. *Demands* that all armed groups, in particular the FDLR and LRA, immediately stop recruiting and using children and release all children associated with them and *calls upon* the Government of the Democratic Republic of the Congo to continue to work with MONUC, the Monitoring and Reporting Mechanism and other relevant actors to finalise the elaboration of an Action Plan to release children present in FARDC and to prevent further recruitment;

16. *Calls upon* the governments of the Great Lakes region to coordinate their efforts to address the threat posed by the LRA and *strongly encourages* enhanced regular information-sharing about the LRA in this respect, with MONUC and other United Nations Missions in the areas where the LRA is threatening the population and *requests* the Secretary-General to enhance cooperation and information-sharing between United Nations missions in the region on all issues related to regional security threats;

17. *Calls upon* the States in the region to ensure that any military actions against armed groups are carried out in accordance with international humanitarian, human rights and refugee law, and that they take appropriate measures to protect civilians and reduce the impact of military actions upon the civilian population, including through regular contacts with and early warning of the civilian population on potential attacks;

18. *Requests* the Special Representative of the Secretary-General to identify women's protection advisers (WPAs) among MONUC's gender advisers and human rights protection units in line with MONUC's comprehensive strategy against sexual violence;

DDR of Congolese armed groups and DDRRR of foreign armed groups

19. *Demands that* all armed groups, in particular the FDLR, the LRA and other foreign armed groups immediately lay down their arms and *demands further* that the Congolese armed groups present themselves without any further delay or preconditions to Congolese authorities and MONUC for DDR, and that the foreign armed groups similarly present themselves to Congolese authorities and MONUC for DDRRR;

20. *Underlines* that MONUC shall deter any attempt at the use of force to threaten the Goma and Nairobi processes from any armed group, particularly in the eastern part of the Democratic Republic of the Congo, and undertake all necessary operations to prevent attacks on civilians and disrupt the military capability of armed groups that continue to use violence in that area;

21. *Requests* MONUC, working in close cooperation with the Government of the Democratic Republic of the Congo, to continue its coordination of operations with the FARDC brigades deployed in the eastern part of the Democratic Republic of the Congo, premised on the protection of civilians as a priority, on operations being jointly planned with these brigades, and in accordance with its Policy Paper referenced in paragraph 23 below, with a view to:

(a) Disarming foreign and Congolese armed groups in targeted areas in order to ensure their participation in the DDRRR and DDR process;

(b) Holding the territories cleared of armed groups in order to ensure the protection of civilian populations;

(c) Helping the Government of the Democratic Republic of the Congo to restore its authority in these territories, in particular in the eastern part of the Democratic Republic of the Congo, areas freed from armed groups and key mining areas;

(d) Carrying out enhanced efforts to prevent the provision of support to armed groups, including support derived from illicit economic activities and illicit trade in natural resources;

22. *Reiterates*, consistent with paragraphs 3 (g) and 14 of resolution 1856 (2008) that the support of MONUC to FARDC-led military operations against foreign and Congolese armed groups is strictly conditioned on FARDC's compliance with international humanitarian, human rights and refugee law and on an effective joint planning of these operations, *decides* that MONUC military leadership shall confirm, prior to providing any support to such operations that sufficient joint planning has been undertaken, especially regarding the protection of the civilian population, *calls upon* MONUC to intercede with the FARDC command if elements of a FARDC unit receiving MONUC's support are suspected of having committed grave violations of such laws, and if the situation persists, *calls upon* MONUC to withdraw support from these FARDC units;

23. *Notes* in this regard the development by MONUC of a Policy Paper setting out the conditions under which the Mission can provide support to FARDC units, and *requests* the Secretary-General to establish an appropriate mechanism to regularly assess the implementation of this Policy;

24. *Urges* MONUC, in close cooperation with other partners, including the World Bank and United Nations Development Programme, to contribute further to the implementation of DDR of Congolese combatants and their dependents, with particular attention to children, by monitoring the disarmament process and providing, as appropriate, security in some sensitive locations, as well as supporting reintegration efforts pursued by the Congolese authorities in cooperation with the United Nations Country Team and bilateral and multilateral partners;

25. *Urges* MONUC to enhance its support to the voluntary demobilization and repatriation of disarmed foreign combatants and their dependents and *calls upon* the Governments of the Democratic Republic of the Congo and the neighbouring States to remain engaged in this process;

26. *Urges* the Governments of the Democratic Republic of the Congo and Rwanda to work together and to agree on a clear set of end-state objectives on the FDLR, in the framework of a multidimensional approach;

27. *Urges* all States to take appropriate legal action against FDLR leaders residing in their countries, including through effective implementation of the sanctions regime established by resolution 1533 (2004) and renewed by its resolution 1896 (2009);

28. *Urges* all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Security Council, and *urges* MONUC, in accordance with paragraph 3 (j) of resolution 1856 (2008), to consolidate and assess, jointly with the Government of the Democratic Republic of the Congo, its pilot project of bringing together all State services in five trading counters in North and South Kivu in order to improve the traceability of mineral products;

Support for security sector reform

29. *Reiterates* the primary responsibility of the Government of the Democratic Republic of the Congo regarding the reform of its security sector, and *encourages* the Government of the Democratic Republic of the Congo, working in cooperation with MONUC and other international partners, to build a core, well-vetted, multi-ethnic force, whose size, composition and structure should be developed by the Government, with the support of MONUC, with a view to strengthening the capacity, discipline and professionalism of the FARDC;

30. *Requests* MONUC, in cooperation with the Congolese authorities, to coordinate the efforts of the international community, including all bilateral and multilateral actors working in this field, on security sector reform issues, and *calls upon* all Member States and international organisations to fully cooperate with MONUC in this regard;

31. *Further requests* MONUC to provide military training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based and sexual violence, to the FARDC, including to the integrated brigades deployed in the eastern part of the Democratic Republic of the Congo, as part of broader international efforts to support security sector reform;

32. *Reiterates* its call upon the Congolese authorities, with the support of MONUC, to establish an effective vetting mechanism, in accordance with international standards, for the FARDC and the national security forces, to ensure the exclusion of those persons associated with violations of international humanitarian law and human rights abuses and to trigger the judicial process against such persons where appropriate;

33. *Encourages* the Government of the Democratic Republic of the Congo, with the support of MONUC, to ensure that armed groups newly integrated into the FARDC are deployed throughout the country and not restricted to their regions of origin;

34. *Urges* the Government of the Democratic Republic of the Congo to expeditiously adopt legislation related to the reform of the FARDC, the High Defence Council and the status of the FARDC military personnel by the Parliament, as well as the legislation on police reform, *urges further* the Government of the Democratic Republic of the Congo to ensure progress in their implementation within the timeframe of this resolution, and *urges further still* the adoption of a comprehensive national strategy for the security sector on the whole territory;

35. *Requests* that the Government of the Democratic Republic of the Congo, with the support of MONUC and other international partners, ensure appropriate conditions for the FARDC, including attributing ranks to the newly integrated elements, ensuring salary payments and equipments and providing barracks;

36. *Calls upon* all the parties to the March 23 Agreements to fulfil their commitments and accelerate the implementation of all aspects of the Agreements and *requests* MONUC to assist in this regard by helping with the integration of the armed groups and the establishment of mechanisms for resolving local disputes as foreseen in those Agreements;

37. *Recommends* that the Government of the Democratic Republic of Congo, in particular through the FARDC and the Congolese National Police (PNC), working in cooperation with MONUC, pursue its efforts to maintain a comprehensive and accurate database containing all the available information on the weapons and ammunition under their custody;

38. *Demands* that all parties cooperate fully with the operations of MONUC and that they ensure the security of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

39. *Requests* MONUC and the United Nations Country Team to continue their support to extend State authority in the Democratic Republic of the Congo, in particular within the framework of the Government's Stabilization and Reconstruction Plan (STAREC) and the United Nations Security and Stabilization Support Strategy (UNSSSS), with a particular emphasis on strengthening democratic institutions and building effective rule of law capacity, including justice and corrections;

40. *Requests* the Secretary-General to provide a briefing on the implementation of the system-wide protection strategy and a progress report on the Integrated Strategic Framework to the Security Council and troop- and police-contributing countries by 16 February 2010;

41. *Requests further* the Secretary-General to provide a full report on the situation in the Democratic Republic of the Congo and on MONUC's activities, by 1 April 2010, in order to prepare the strategic review as set out in paragraph 2 of this resolution, and that this full report should include:

(a) Specific information on the challenges of MONUC's role in the protection of civilians, an assessment of existing protection mechanisms, in particular the measures described in paragraphs 8, 9, 11, 12 and 13 of this resolution, and assessment of special measures for protection from sexual violence;

(b) Assessment of the implementation of the Policy Paper setting out the conditions of MONUC's support to FARDC as described in paragraphs 22 and 23 of this resolution;

(c) Information on the further deployment and use of the additional capabilities authorized by resolution 1843 (2008);

(d) Assessment of the progress in the security sector reform, including the effectiveness of the training measures set out in paragraph 31 of this resolution;

42. *Commends* the contribution of troop- and police-contributing countries and donors to MONUC and *calls on* Member States to pledge and contribute the remaining helicopters, air capabilities, intelligence assets and other force enablers required for the Mission;

43. *Requests* the Secretary-General to ensure that MONUC's concept of operation and rules of engagement are regularly updated to bring them fully in line with the provisions of this resolution and to report on this to the Security Council and troop-contributing countries;

44. *Requests* the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to continue to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

45. *Decides* to remain actively seized of the matter.